

Appl. No. 10/664,560
Docket No. 9364
Amdt. Dated March 27, 2007
Reply to Office Action mailed on January 11, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-5, 10-12, and '14-27 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to recite that the consumer accessible tab is adhesively formed between the plies of one or more sheets of product. Support for this amendment is found at page 5, lines 31-34 through page 6, lines 1-2; Figs. 1B, 1C, 2B, 2C, 3, and 4.

Claim 3 has been amended to recite that the tail of the multi-ply fibrous structure is bonded to the multi-ply fibrous structure by a tail seal glue. Support for this amendment is found at page 7, lines 23-25 of the Specification.

Claims 6-9 and 13 are cancelled without prejudice.

Claims 16 - 27 have been withdrawn as a result of an earlier restriction requirement.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, Second Paragraph

Claim 3 has been rejected under 35 U.S.C. §112, Second Paragraph for failing to particularly point out and distinctly claim the subject matter. As amended, Claim 3 no longer uses the language "tail sealed" and the Applicants respectfully request that the rejection under 35 U.S.C. §112 be withdrawn.

Rejection Under 35 USC §102(b) Over U.S. Pat. No. 3,960,272 to Hartbauer

Claims 1-5, 10-12 and 15 have been rejected under 35 U.S.C. §102(b) over U.S. Pat. No. 3,960,272 to Hartbauer et al. (hereinafter referred to as '272). The Applicants respectfully traverse this rejection on the ground that not all of the Applicants' claimed

Appl. No. 10/664,560
Docket No. 9364
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limitations are taught by '272. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

As amended, Claim 1 recites, *inter alia*, a consumer accessible tab that is adhesively formed **between the plies** of one or more sheets of product. '272 teaches forming a tab by folding the tail of a sheet and application of adhesive "along the abutting surfaces of the fold and the underlying convolution" ('272, Col. 12, lines 66-67; '272, Figs. 11-14). In other words, the adhesive tab taught by '272 is not the same as the adhesively formed tab that is claimed by the Applicants because '272 teaches the formation of a tab by the application of adhesive **between sheets** whereas the Applicants presently claimed invention has a tab formed by adhesive applied **between plies**.

Therefore the Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn because '272 does not recite each and every limitation that is claimed by the Applicants.

Rejection Under 35 USC §102(b) Over U.S. Pat. No. 3,912,571 to Hartbauer

Claims 1-5, 10-12 and 15 have been rejected under 35 U.S.C. §102(b) over U.S. Pat. No. 3,912,571 to Hartbauer et al. (hereinafter referred to as '571). The Applicants respectfully traverse this rejection on the ground that not all of the Applicants' claimed limitations are taught by '571. Richardson, above.

As amended, Claim 1 recites, *inter alia*, a consumer accessible tab that is adhesively formed **between the plies** of one or more sheets of product. '571 teaches forming a tab by folding the tail of a sheet and application of adhesive "along the abutting surfaces of the fold and the underlying convolution" ('571, Col. 12, lines 67-68 through Col. 13, line 1; '571, Figs. 11-14). In other words, the adhesive tab taught by '571 is not the same as the adhesively formed tab that is claimed by the Applicants because '571 teaches the formation of a tab by the application of adhesive **between sheets** whereas the Applicants presently claimed invention has a tab formed by adhesive applied **between plies**.

Appl. No. 10/664,560
Docket No. 9364
Arndt. Dated March 27, 2007
Reply to Office Action mailed on January 11, 2007
Customer No. 27752

Therefore the Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn because '571 does not recite each and every limitation that is claimed by the Applicants.

Rejection Under 35 USC §102(b) Over U.S. Pat. No. 4,332,324 to Howard

Claims 1-2, 5, 10-12 and 14-15 have been rejected under 35 U.S.C. §102(b) over U.S. Pat. No. 4,332,324 to Howard et al. (hereinafter referred to as '324). The Applicants respectfully traverse this rejection on the ground that not all of the Applicants' claimed limitations are taught by '324. Richardson, above.

As amended, Claim 1 recites, *inter alia*, a consumer accessible tab that is **adhesively formed** between the plies of one or more sheets of product. '324 teaches tabs that are formed by punching triangular holes in the top layers of a roll of toilet tissue. ('324, Col. 3, lines 5-23; '324, Claim 1). In other words, the tab taught by '324 is not the same as the adhesively formed tab that is claimed by the Applicants because '324 teaches the formation of a tab by punching holes in the paper product itself, while the Applicants presently claimed invention has a tab **formed by adhesive applied between plies**.

Therefore the Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn because '324 does not recite each and every limitation that is claimed by the Applicants.

Rejection Under 35 USC §103(a) Over U.S. Pat. No. 3,912,571 and U.S. Pat. No. 3,960,272 or U.S. Pat. No. 4,332,324 in view of U.S. Pat. No. 4,803,032

Claims 6-9 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over '571 and '272 or '324 in view of U.S. Pat. No. 4,803,032 to Howard et al. (hereinafter referred to as '032). As amended, Claims 6-9 and 13 are cancelled and the rejection under 35 U.S.C. §103(a) is moot.

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Docket No. 9364
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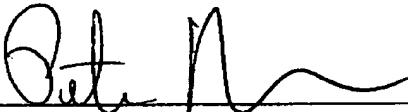
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). Early and favorable action in the case are respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-5, 10-12, and 14-15 are respectfully requested.

Respectfully submitted,

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March 27, 2007
Customer No. 27752

Page 9 of 9